

Adopted July 7, 2009 without the emergency clause. Additionally, due to a delay in signatures, the effective date is August 9, 2009 in accordance with Ch. IX Sec. 8 of the Tucson City Charter.

ADOPTED BY THE  
MAYOR AND COUNCIL

July 7, 2009

ORDINANCE NO. 10694

RELATING TO A PROPOSED ALTERNATIVE EXPENDITURE LIMITATION (HOME RULE OPTION) FOR THE CITY OF TUCSON; PURSUANT TO ARTICLE IX, SECTION 20, PARAGRAPH 9 OF THE ARIZONA CONSTITUTION, REFERRING TO THE CITY'S QUALIFIED ELECTORS A PROPOSAL TO ALLOW THE CITY OF TUCSON TO ADOPT AN ALTERNATIVE EXPENDITURE LIMITATION FOR FISCAL YEARS 2011 THROUGH 2014 THAT REPLACES THE STATE-IMPOSED EXPENDITURE LIMITATION; CALLING A SPECIAL ELECTION ON THE PROPOSAL; SPECIFYING THE FORM OF BALLOT FOR THIS SPECIAL ELECTION; ~~AND DECLARING AN EMERGENCY.~~

The Mayor and Council make the following legislative findings:

1. Article IX, § 20, ¶ 9 of the Arizona Constitution and A.R.S. § 41-563.01 authorize the Mayor and Council, by a two-thirds vote at a special meeting, to refer an alternative expenditure limitation to its qualified electors at a regularly scheduled City election for the nomination or election of members of the Mayor and Council, and further provides that if the alternative expenditure limitation is adopted, it shall apply for the four succeeding fiscal years in place of the State-imposed expenditure limitation in Article IX, § 20, ¶ 1 of the Arizona Constitution.

2. The Mayor and Council, after two public hearings, has determined that an alternative expenditure limitation is necessary for the City.

3. Pursuant to Tucson Charter Chapter XVI, § 3 and A.R.S. § 16-204, the City's regularly scheduled 2009 General Election for the election of Council Members for Wards 3, 5, and 6 will occur on Tuesday, November 3, 2009.

4. Tucson Charter Chapter IV, § 1, ¶ 20 empowers Mayor and Council to specify the time of City elections. Consistent with the constitutional authorization in Article IX, § 20, ¶ 9 of the Arizona Constitution, Mayor and Council wish to hold the special election on the proposed alternative expenditure limitation at the same time as the City's 2009 General Election.

5. A.R.S. §§ 41-563.03, 19-125, and 16-502 prescribe the permissible form of ballot for this special election.

6. Tucson Charter Chapter XVI, § 6 states that Mayor and Council shall, by ordinance, provide for the holding of all municipal elections.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. As authorized by Article IX, § 20, ¶ 9 of the Arizona Constitution, the Mayor and Council refer the following proposed alternative expenditure limitation for fiscal years 2011 through 2014 to the City's voters:

The City of Tucson shall annually, as part of the annual budget adoption process, adopt an alternative expenditure limitation equal to the total amount of budgeted expenditures/expenses as it appears on the annual budget as adopted by the Mayor and Council for that fiscal year. The City of Tucson shall adopt the alternative expenditure limitation each year after at least one public hearing at which the citizens of the City of Tucson may comment on the proposed alternative expenditure limitation. No expenditures may be made in violation of such alternative expenditure limitation nor may any proposed expenditure be in excess of estimated available revenues, except that the Mayor and Council may, by three-fourths vote, declare an emergency and suspend the alternative expenditure limi-

tation. The suspension of the alternative expenditure limitation shall be in effect for only one fiscal year at a time.

SECTION 2. The Mayor and Council call a City special election, to be held on Tuesday, November 3, 2009, at which the City's qualified electors shall vote on the proposed alternative expenditure limitation.

SECTION 3. In compliance with Article IX, § 20, ¶ 9 of the Arizona Constitution and A.R.S. §§ 41-563.03, 19-125, and 16-502, the form of ballot for the special election on the proposed alternative expenditure limitation shall be substantially as follows:

### **SAMPLE BALLOT – PROPOSITION 400**

#### **PROPOSITION 400**

PROPOSAL REFERRED BY MAYOR AND COUNCIL RELATING TO AN ALTERNATIVE EXPENDITURE LIMITATION (HOME RULE OPTION) FOR FISCAL YEARS 2011 THROUGH 2014.

#### **Official Title:**

Proposing an alternative expenditure limitation (home rule option) for the City of Tucson for the next four fiscal years, pursuant to Article IX, Section 20, Paragraph 9 of the Arizona Constitution.

#### **Descriptive Title:**

Allowing the City of Tucson, for the next four fiscal years, to adopt an alternative expenditure limitation in place of the State-imposed expenditure limitation. Annually, the City of Tucson will determine the amount of the alternative expenditure limitation for the fiscal year after at least one public hearing.

#### **ESTIMATED IMPACT OF PROPOSED ALTERNATIVE EXPENDITURE LIMIT COMPARED TO STATE-IMPOSED LIMIT**

<u>Fiscal year</u>	<u>State-imposed</u>	<u>Proposed alternative</u>
2011	1,337,883,920	1,345,876,320
2012	1,371,457,800	1,382,327,280
2013	1,409,179,350	1,420,836,160
2014	1,449,251,470	1,461,115,440



## OFFICIAL BALLOT FORMAT

### PROPOSITION 400

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A "YES" vote shall have the effect of establishing an alternative expenditure limitation for the City of Tucson.

A "NO" vote shall have the effect of not establishing an alternative expenditure limitation for the City of Tucson, and of requiring City expenditures to be limited by the State-imposed expenditure formula.

\_\_\_ YES

\_\_\_ NO

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

~~SECTION 5. WHEREAS, it is necessary for the preservation of the peace,~~

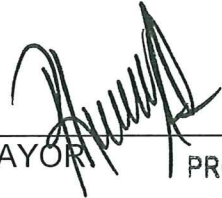
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~~health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.~~

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, on July 7, 2009.

  
MAYOR PRO-TEMPORE

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

REVIEWED BY:

  
CITY MANAGER

  
DPM:  
7/2/2009 1:38 PM